

[All Counsel in signature block below]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

GOOGLE LLC,
Plaintiff and Counter-Defendant,
v.
ECOFACOR, INC.,
Defendant and Counter-Claimant.

Case No. 4:21-cv-03220-HSG

**JOINT STIPULATION REGARDING
BRIEFING SCHEDULE FOR GOOGLE
LLC'S RENEWED MOTION TO STAY
AND REQUEST FOR BRIEF
EXTENSION REGARDING STATUS OF
THREE ASSERTED PATENTS;
ORDER**

Dept.: Courtroom 2 – 4th Floor
Judge: Hon. Haywood S. Gilliam, Jr.

Date Filed: April 30, 2021

Trial Date: None set

JOINT STIPULATION RE BRIEFING SCHEDULE FOR RENEWED MOTION TO STAY AND REQUEST FOR
BRIEF EXTENSION RE STATUS OF THREE ASSERTED PATENTS; ORDER

Case No. 4:21-cv-03220-HSG

2372958

Pursuant to ECF No. 143, Plaintiff and Counter-Defendant Google LLC (“Google”) and Defendant and Counter-Claimant EcoFactor, Inc. (“EcoFactor”) submit this joint stipulation to (1) propose a briefing schedule for Google’s renewed motion to stay proceedings for remaining U.S. Patent No. 10,584,890 (the “’890 patent”); and (2) request a brief extension until October 6, 2023 to provide a stipulation and proposed order “confirming that three of the four asserted patents are no longer in the case.” ECF No. 143.

WHEREAS, Google and EcoFactor propose the briefing schedule below for Google’s renewed motion to stay proceedings for the ’890 patent:

| Event | Deadline to File |
|---|------------------|
| Google’s Renewed Motion to Stay | October 18, 2023 |
| EcoFactor’s Opposition to Google’s Renewed Motion to Stay | November 1, 2023 |
| Google’s Reply in Support of Renewed Motion to Stay | November 8, 2023 |

WHEREAS, on September 29, 2023, EcoFactor granted Google a covenant not to sue (“CNS”) on U.S. Patent Nos. 8,740,100 (the “’100 patent”), 8,751,186 (the “’186 patent”), and 9,194,597 (the “’597 patent”), by which EcoFactor intended to extinguish any current or future case or controversy between the parties as to the ’100, ’186, and ’597 patents—such that these three patents are no longer part of the above-captioned case;

WHEREAS, Google has raised questions as to whether EcoFactor’s current CNS extinguishes any current or future case or controversy between the parties as to the ’100, ’186, and ’597 patents;

WHEREAS, the parties continue to meet and confer over the questions raised by Google; and

WHEREAS, the parties respectfully request a three-day extension so that they can apprise the Court of the status of the ’100 patent, the ’186 patent, and the ’597 patent by October 6, 2023.

SO STIPULATED AND AGREED.

1 Dated: October 3, 2023

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[PROPOSED] ORDER GRANTING JOINT STIPULATION

The parties have submitted the Joint Stipulation Regarding Briefing Schedule for Google LLC's Renewed Motion to Stay and Request for Brief Extension Regarding Status of Three Asserted Patents. In light of the Joint Stipulation, it is hereby **ORDERED** that:

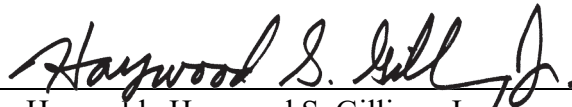
1. The parties shall comply with the following briefing schedule for Google's renewed motion to stay proceedings for remaining U.S. Patent No. 10,584,900:

| Event | Deadline to File |
|---|------------------|
| Google's Renewed Motion to Stay | October 18, 2023 |
| EcoFactor's Opposition to Google's Renewed Motion to Stay | November 1, 2023 |
| Google's Reply in Support of Renewed Motion to Stay | November 8, 2023 |

2. The parties' request for an extension to apprise the Court on whether U.S. Patent Nos. 8,740,100, 8,751,186, and 9,194,597 are part of the case is **GRANTED**. By no later than October 6, 2023, the parties shall inform the Court on whether the foregoing patents are part of the case.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/4/2023



Honorable Haywood S. Gilliam, Jr.
United States District Judge

ATTESTATION PURSUANT TO L.R. 5-1(i)

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from any other signatory to this document.

Dated: October 3, 2023

/s/ Leo L. Lam
Leo L. Lam